



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

CLARENCE EDWARD CYRUS,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 8:05-1384-HFF-BHH
	§	
U.S. MARSHALS OF COLUMBIA, SC et al.,	§	
Defendants.	§	

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ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE

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This case was filed as a *Bivens* and a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that 1) Defendants' Motions for Summary Judgment (#29 and #33) be granted; Plaintiff's motions for Partial Summary Judgment (#41) and to Hold the Proceedings in Abeyance Pending Discovery (#36) be denied; Plaintiff's claims be dismissed with prejudice; and Plaintiff's pending motion for an extension (#35) be denied as moot. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 31, 2007. Plaintiff failed to file any objections to the Report. In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4<sup>th</sup> Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that 1) Defendants' Motions for Summary Judgment (#29 and #33) be GRANTED; Plaintiff's motions for Partial Summary Judgment (#41) and to Hold the Proceedings in Abeyance Pending Discovery (#36) be DENIED; Plaintiff's claims be DISMISSED with prejudice; and Plaintiff's pending motion for an extension (#35) be DENIED as moot.

**IT IS SO ORDERED.**

Signed this 21st day of February, 2007, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified of the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.